

APPENDIX C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. : MBHB00-814-A (400/034US))

In re the Application of:

McSwiggen et al.

Serial No.: Not Assigned

Filed: August 8, 2001

For: METHOD AND REAGENT FOR THE INHIBITION
OF CALCIUM ACTIVATED CHLORIDE
CHANNEL-1 (CLCA-1)

)
) Group Art Unit: Not Assigned

)
) Examiner: Not Assigned

TRANSMITTAL LETTER


Box Missing Parts
Commissioner of Patents
Washington, D.C. 20231

Sir:

In regard to the above-identified application:

1. We are transmitting herewith the attached
 - a. Response to Notice to File Missing Parts of Application;
 - b. Copy of Notice to File Missing Parts of Application;
 - c. Executed copy of Oath or Declaration (15 pages); and
 - d. Return Receipt Postcard.
2. With respect to additional fees, attached is a check in the amount of \$130.00 pursuant to 37 C.F.R. §1.17(a).
3. Please charge any deficiency in the amount due, or credit any overpayment, to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
4. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as "First Class Mail" in an envelope addressed to: Commissioner for Patents, Box Missing Parts, Washington, D.C. 20231, on November 2, 2001.

By:


Anita J. Terpstra
Registration No. 47,132

McDONNELL BOERGEN HILBERT & BERENHOFF
300 South Wacker Drive
Chicago, Illinois 60606
(312) 913-6001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. : MBHB00-814-A (400/034US))

In re the Application of:)
) Group Art Unit: Not Assigned
 McSwiggen et al.)
) Examiner: Not Assigned
 Serial No.: Not Assigned)
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 Filed: August 8, 2001)
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McDONNELL BOEHM HULBERT & BERGHOFF
300 South Wacker Drive
Chicago, Illinois 60606
(312) 512-0001

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(Case No. : MBHB00-814-A (400/034US))

In re the Application of:

McSwiggen et al.

Serial No.: Not Assigned

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OF CALCIUM ACTIVATED CHLORIDE
CHANNEL-1 (CLCA-1)**

Group Art Unit: Not Assigned

Examiner: Not Assigned

RESPONSE TO NOTICE TO FILE MISSING PARTS

Responsive to the Notice to File Missing Parts of Application - Filing Date Granted,
mailed October 23, 2001, a copy of which is attached, Applicants submit herewith an
executed copy of their Declaration and Power of Attorney, pursuant to 37 C.F.R. §1.27.

A check in the amount of \$130.00 accompanies this Response.

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff

Date: November 2, 2001

By:

Anita J. Terpstra
Registration No. 47,132

McDONNELL BOEHLEN MULBENT & BERGHOFF
300 South Wacker Drive
Chicago, Illinois 60606
(312) 813-0001



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/927,046	08/09/2001	James McSwiggen	MBHB00-814-A (400/034)

CONFIRMATION NO. 4737

20306

MCDONNELL BOEHNEN HULBERT & BERGHOFF
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO, IL 60606

FORMALITIES LETTER



OC000000006955840

Date Mailed: 10/23/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Case No.: MBHB00,814-A (400/034)

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD AND REAGENT FOR THE INHIBITION OF
CALCIUM ACTIVATED CHLORIDE CHANNEL-1 (CLCA-1)**

the specification of which is attached hereto unless the following space is checked:

☒ was filed on August 9, 2001 as United States Application Serial Number 09/927,046.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

	<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>
1.			
2.			

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

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1.	60/224,383	August 9, 2000
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I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

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I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and I direct that all correspondence be addressed to that Customer Number.

Customer Number: 020306

Principal attorney or agent: Anita J. Terpstra

Telephone number: 312-913-0001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: **JAMES McSWIGGEN**

Inventor's signature: _____

Residence: _____

Citizenship: _____

Post Office Address: _____

4866 Franklin Dr., Boulder, Colorado

United States of America

4866 Franklin Dr., Boulder, Colorado 80301

Date: 9/24/01

Full name of second joint inventor: **JAMES THOMPSON**

Inventor's signature: _____

Residence: _____

Citizenship: _____

Post Office Address: _____

705 Barberry Cir., Lafayette, CO 80026

United States of America

705 Barberry Cir., Lafayette, CO 80026

Date: _____

Full name of third joint inventor: **TIMOTHY McKENZIE**

Inventor's signature: _____

Residence: _____

Citizenship: _____

Post Office Address: _____

5580 S. Lisbon Street, Aurora, CO 80026

United States of America

5580 S. Lisbon Street, Aurora, CO 80026

Date: _____

Full name of fourth joint inventor: **DAVID AYERS**

Inventor's signature: _____ Date: _____
Residence: 12551 McCella Court, Broomfield, CO 80020
Citizenship: United States of America
Post Office Address: 12551 McCella Court, Broomfield, CO 80020

Full name of fifth joint inventor: **DAVID E. SZYMKOWSKI**

Inventor's signature: _____ Date: _____
Residence: 1898 Anthony Court, Mountain View, CA 94040
Citizenship: United States of America
Post Office Address: 1898 Anthony Court, Mountain View, CA 94040

Full name of fifth joint inventor: **ANDREW GRUPE**

Inventor's signature: _____ Date: _____
Residence: 554 Jeter Street, Redwood City, CA 94062
Citizenship: United States of America
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Principal attorney or agent: Anita J. Terpstra

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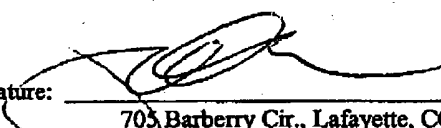
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Date: _____

Full name of second joint inventor: **JAMES THOMPSON**

Inventor's signature:  _____
Residence: 705 Barberry Cir., Lafayette, CO 80026
Citizenship: United States of America
Post Office Address: 705 Barberry Cir., Lafayette, CO 80026

Date: 12/4/01

Full name of third joint inventor: **TIMOTHY McKENZIE**

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Inventor's signature: Tim McKenzie
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Date: _____

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Inventor's signature: _____
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Full name of third joint inventor: **TIMOTHY McKENZIE**

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Date: _____

- 2 -

Full name of fourth joint inventor: **DAVID AYERS**

Inventor's signature: David F. Ayers Date: 10/31/01
Residence: 12551 McCella Court, Broomfield, CO 80020
Citizenship: United States of America
Post Office Address: 12551 McCella Court, Broomfield, CO 80020

Full name of fifth joint inventor: **DAVID E. SZYMKOWSKI**

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Citizenship: United States of America
Post Office Address: 5580 S. Lisbon Street, Aurora, CO 80026

- 2 of 3 -

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